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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,569	11/15/2001	Shuntaro Aratani	35.G2934	7348

5514 7590 06/22/2005

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NEW YORK, NY 10112

EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,569

Applicant(s)

ARATANI ET AL.

Examiner

BRIAN P. YENKE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE 01 Jun 05/Amend (04 May 05).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-16,18-24,26 and 38-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-16,18-24,26 and 38-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04 May 05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01 June 2005 has been entered.

Applicant's arguments filed 04 May 05 have been fully considered but they are not persuasive.

The applicant has stated that the provided reference IEEE 6th edition is dated 2002. The examiner again requests the applicant to clarify on the record what part of the protocol (i.e. IEEE 1394) that the applicant invented, since the applicant states in the disclosure, the protocol is what is used to communicate/control the devices in the system. The examiner's rejection is based upon the conventional IEEE 1394 protocol which performs the limitations as claimed as stated below. Thus the examiner would like the applicant to clarify how the invention is different than the IEEE 1394 protocol pertaining to the communication/control of the devices/system.

2. Regarding applicant's traversal of "OFFICIAL NOTICES" regarding the use of IEEE 1394 standard, and the examiner has attached the dictionary definition for the

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standard. First, the 1394 data transport bus support both asynchronous and synchronous data where the 1394 is a higher bandwidth version of the Universal Serial Bus. The USB is defined as a completely "Plug and Play" meaning that devices will correctly detected and configured automatically as soon as they are attached. If the applicant feels that the invention pertains to limitations not utilizing the 1394 standard, where the applicant invented a different protocol/communication scheme, the examiner would like the applicant to specify the differences in addition to the location in the disclosure.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3a. Claims 1-4, 5-7, 11, 14-16, 19-20, 24, 26, 38 and 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishio et al., US 6,577,347 in view of AAPA.

In considering claim 1, 5-6, 11, 26, 38, 40 and 45

a) the claimed receiver means... is met by stream analyzing means 200 along with MPEG-2 video still picture decoder 400 and MPEG-2 video decoder 201.

b) the claimed output means for outputting the broadcast data signal... is met by signal synthesizing means which outputs the received broadcast data including additional information (channel number, still picture information) (col 10, line 51 to col 11, line 61).

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c) the claimed communication means for communicating with an external device is met by switch 107, which is activated via signal 13 which is a request from a user to reproduce the, and the image signal recorded in HDD 108 is transmitted to frame memory 104 (col 11, line 54-61). Nishio also discloses that the data may be recorded or printed (i.e the use of a printer).

d) the claimed control means for controlling the image to be displayed... is met where the synthesizing means 105, combines both the additional data received and recorded in HDD 108 with video signal 14 that is currently being received, where the synthesized signal is output as a monitor signal 17 (Fig 7).

However, Nishio does not explicitly recite executing a script based on script information of the broadcast data signals.

The execution of a script based on script information of a broadcast signal is notoriously well-known and thus conventional in the art, as disclosed by AAPA (page 4, para 9). Where it is also known that the information delivered by the broadcasting service can be received and also printed out for permanent record (page 5, para 10).

Therefore it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to modify Nishio which discloses the reception of both analog/digital signals and receiving/extracting the additional information provided with the signal, by utilizing the script information which is transmitted as in order to control the display/external device as done by AAPA.

In considering claims 2-4, and 7, 14, 15, 19, 20, 24, 28-29 and 32

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Nishio does not explicitly recite the broadcast data signals including display control data which are used to modify the image displayed nor a markup language. Nishio does disclose that channel numbers/still picture information (script information) is displayed based upon selection/activation of reproduction from the user.

However, the reception of broadcast signals which include script information, text information described in XML and picture information is well known in the art, when receiving a digital broadcast signal as described by applicant's own background (page 4, para 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify/utilize in Nishio which discloses the reception of both analog/digital signals, to utilize the control information which is transmitted with digital signal in order to control the display in accordance with the predetermined parameters.

In considering claim 16,

Refer to rejection of claim 9.

In considering claims 9-10, 13, 18, 21, 22, 23,34-35 and 39

a) the claimed receiver means... is met by stream analyzing means 200 along with MPEG-2 video still picture decoder 400 and MPEG-2 video decoder 201.

b) the claimed display means for outputting the broadcast data signal... is met by signal synthesizing means which outputs the received broadcast data including additional information (channel number, still picture information) (col 10, line 51 to col 11, line 61).

c) the claimed print data output means... Nishio discloses that the data may be displayed, printed or recorded (col 12, line 50-53, col 13, line 45-56).

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However, Nishio does not explicitly recite the status monitoring of the printing device. Nishio does disclose a system, which based upon the user requesting the reproduction of a program, which activates switch 107 subsequently triggers the display to synthesize the displayed image.

The monitoring of a device, i.e. 1394/plug-in-play or a system which monitors which devices are activated/non-activated for use is notoriously well known in the art. Typically systems include monitoring system to inform the user via the display which devices are available for selection, or informing the user of devices which may require attention (i.e. printer off-line, out of paper).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nishio which discloses the reception of both analog and digital signals, where the user may select the image to be displayed, recorded and printed, by monitoring the status of the device via IEEE 1394(i.e. HDD, printer) in order to inform the user if the device is available or not, and if not available informing the user of any problems (i.e. printer off-line).

Regarding claims 13 and 39 and the print layout information, refer to claim 9 above.

In considering claim 12,

Nishio discloses that the data may be displayed, printed or recorded (col 12, line 50-53, col 13, line 45-56).

In considering claim 33,

Nishio does not explicitly recite the use of a IEEE-1394 standard.

Nishio describes a receiver which receives both analog and digital signals, in which the receiver communicates to a hard-disk drive and monitor.

In considering claims 41-44,

Nishio describes a receiver which receives both analog and digital signals, in which the receiver communicates to a hard-disk drive and monitor.

The IEEE-1394 is a standard protocol (plug-n-play protocol) which allows devices to be connected via a high performance serial bus, which provides a low-cost interconnect between devices (via IEEE Std 1394-1995).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nishio which discloses communication between devices, by using a standard such as the IEEE-1394 in order to provide a communication means which provides high performance at a low cost.

3b. Claims 1, 6, 18, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al., US 5,070,404 in view of AAPA

In considering claims 1, 6, 18, 38 and 40

a) the claimed receiver means...is met by receiver 42, demod 46 and ID decoder 48 (Fig 4).

b) the claimed output means for outputting the broadcast data signals...is met by processor 50 which outputs the received broadcast data to display 54 (Fig 4).

c) the claimed communication means for communicating with an external device...is met where the processor 50 communicates memory 52 (RAM/ROM) where processor

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50 determines whether data (coupon) has been stored in memory 52 with respect to the particular commercial being broadcast.

Processor 50 determines data stored in memory 52 includes data relating to the broadcast commercial, then processor 50 sends a signal to display device 54 to indicate to the user that coupon data for the commercial has been received/stored and is available for printing. Bullock indicates to the viewer via light's or LED's on the display that coupon data is available for the particular commercial.

However, Bullock does not explicitly recite controlling the image...

The execution of a script based on script information of a broadcast signal is notoriously well-known and thus conventional in the art, as disclosed by AAPA (page 4, para 9). Where it is also known that the information delivered by the broadcasting service can be received and also printed out for permanent record (page 5, para 10).

Therefore it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to modify Bullock which discloses the reception of broadcast data and checking whether related data (coupons) are available for a received commercial and then notifying the user so the user may print the coupon if desired, by displaying an indication other than a light (i.e. menu, information screen) in addition to the received broadcast, thereby controlling/adjusting the received picture via overlay/PIP/synthesizing means when additional information is available as disclosed by AAPA.

Conclusion

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—see newly cited references on attached form PTO-892.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (571)272-7352.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571)-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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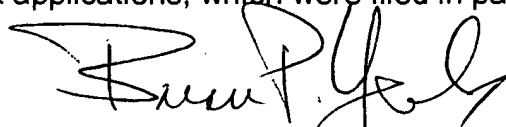
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also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



B.P.Y.
18 June 2005



BRIAN P. YENKE
Primary Examiner
Art Unit 2614